

Appln No. 10/075,476
Amdt dat May 5, 2004
Reply to Office action of November 5, 2003

REMARKS/ARGUMENTS

Applicant respectfully responds to the points raised by the Examiner in the November 5, 2003 final Office action as follows:

Response to Arguments

The Examiner noted why she was unpersuaded by the arguments filed by Applicant in its 8-20-03 Amendment. The Examiner alleges that "Applicant is arguing more than is claimed." (See Final Office action at pg. 6). Specifically, the Examiner alleges that Applicant argued the following limitations to distinguish over the prior art that allegedly did not appear in the claims of record at that time:

- "... a flexible chamber formed from a thermoplastic film material and a fabric material which forms the breast form in that it is the part which forms the breast form simulated shape." (Final Office action at pg. 6).
- "... that the fabric material is disposed over and permanently joined over the entire surface or that the laminated layers are over the entire surface." (Final Office action at pg. 6).

As reflected by the above amendments to independent claims 1, 5, 14, 18, and 20, and as explained below, Applicant has incorporated one or more of these limitations into each of the claims in order to further clarify the differences between the claimed devices/method and the prior art relied on by the Examiner.

Claim Rejections Under 35 U.S.C. §§ 102 and 103

The Examiner once again rejected each of pending claims 1-20 under either § 102 or § 103, and provided the identical reasons for the rejections. As noted above, the Examiner explained in the "Response to Arguments" section why she was not persuaded by the arguments presented by Applicant in its 8-20-03 Amendment,

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which responded to these same claim rejections. Applicant submits that the current amendments to independent claims 1, 5, 14, 18, and 20 distinguish over the prior art and place claims 1-20 in condition for allowance.

With respect to independent claims 1, 5, and 20, the Examiner relies solely on the Deal et al. patent. With respect to independent claims 14 and 18, the Examiner relies on Deal et al. in view of Ishikawa et al. The Ishikawa et al. patent is cited merely for its teaching of a 4-way stretchable fabric for use with gel bra pads and, thus, the Deal et al. patent is the only prior art reference relied on to reject substantially the invention as claimed.

The Deal et al. patent merely teaches bra cups having envelopes that are adapted to receive separate pouches (i.e., "breast forms") and to allow the breast forms to be anchored to the fabric layers of the bra cups. The breast form taught by Deal et al. does not have a fabric material that is part of the flexible chamber that defines the breast form. Moreover, Deal et al. fails to disclose, teach or suggest the following claim limitations of amended claims 1, 5, 14, 18, and 20:

- In claim 1, as amended: ". . . a flexible chamber formed from a thermoplastic film material and a fabric material, wherein the flexible chamber defines the breast form's shape . . . and the fabric material disposed over and permanently joined to substantially the entire surface of the thermoplastic film material."

- In claim 5, as amended: ". . . the fabric laminated thermoplastic film defines the breast form's shape and comprises a fabric layer and a thermoplastic layer that are inseparably adjoined together over substantially the entire surface of the breast form. . ."

In claim 14, as amended: ". . . the two sheets define the breast form's shape and . . . each sheet comprises a fabric layer and a thermoplastic layer that are

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permanently adjoined together over substantially the entire surface of the breast form. . ."

- In claim 18, as amended: ". . . a fabric material that is disposed over and permanently joined to substantially the entire surface of each of the polyurethane sheets and forming exterior surfaces of the breast form. . ."

- In claim 20, as amended: ". . . permanently joining together sheets of thermoplastic film material with sheets of fabric material, wherein two such so-joined sheets form the first and second chamber members and define the breast form's shape . . . and the sheets of fabric material form substantially the entire outside surface of the breast form. . ."

Each of these amended claims distinguishes over the disclosure and teachings of the Deal et al. patent. Further, the amendments expressly address the concerns noted by the Examiner in the "Response to Arguments" section of the Final Office action. Because each of the claims depending from claims 1, 5, 14, and 18 contain the limitations of their base claims, for at least the same reasons, they too are allowable over the prior art. Therefore, claims 1-20 are allowable over the prior art of record.

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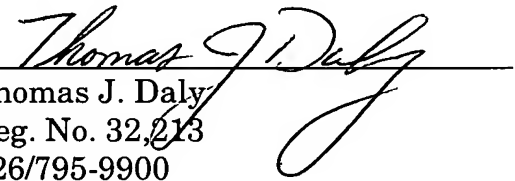
Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-20 are in condition for allowance, and accordingly, a timely indication thereof is respectfully requested.

Respectfully submitted,

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